

SENATE BILL REPORT

SB 5451

As Passed Senate, February 18, 2002

Title: An act relating to actions for crimes of violence motivated by gender.

Brief Description: Establishing a cause of action for crimes of violence motivated by gender.

Sponsors: Senators Costa, Kline, McCaslin and Kohl-Welles; by request of Attorney General.

Brief History:

Committee Activity: Judiciary: 2/5/01, 2/13/01 [DP].

Passed Senate: 3/13/01, 47-2; 2/18/02, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, Long, McCaslin and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: In response to domestic violence, sexual assault, and other forms of violent crime against women, Congress enacted the Violence Against Women Act (VAWA). In one section of the VAWA, a federal substantive right for all persons within the United States was established to be free from crimes of violence motivated by gender. To enforce this right, the VAWA created a private cause of action against any "person who commits a crime of violence motivated by gender." Any party injured by such a crime is allowed to obtain compensatory damages, punitive damages, and injunctive, declaratory, or other appropriate relief. This civil remedy created in the VAWA for victims of gender based violence was struck down by the United States Supreme Court in May 2000. The court held that Congress exceeded its power under the Commerce Clause of Article 1 and the Enforcement Clause of the 14th Amendment.

Summary of Bill: A victim of gender-based violence may seek compensatory damages, injunctive relief, declaratory relief and any other relief deemed appropriate by the court against the person who committed the crime of violence motivated by gender. "Crime of violence" is an act or acts that constitutes a felony against the person or property if the act presents a serious risk of physical injury to another person, whether or not the act or acts resulted in criminal charges, prosecution, or conviction. A crime of violence includes any offense involving domestic violence as defined in statute. A "crime of violence motivated by gender" is a violent crime committed because of gender or on the basis of gender and is due at least in part to an animus based on the victim's gender. A party who prevails in an action alleging a crime of violence shall collect reasonable attorney fees and costs.

Appropriation: None.

Fiscal Note: Requested on February 2, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill puts all the remedies for a victim of gender-based violence under one statute. It allows financial compensation and attorneys fees. It is gender neutral. It is an important tool for victims of sexual assault.

Testimony Against: None.

Testified: Christine Gregoire, Office of the Attorney General; Pamela Crone, Northwest Women's Law Center; Suzanne Brown, WA Coalition of Sexual Assault Programs.